

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

WILLIAM R. WIDMAIER,

Plaintiff,

v.

TESLA ENERGY OPERATIONS, INC., and

MALEK MEDLEY,

Defendants.

Civil Action No.: 1:23-cv-660

Circuit Court for Fairfax County
County, Virginia
Case No. 2023-6068

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendant Tesla Energy Operations, Inc. (“Tesla Energy Operations”) and Malek Medley (“Mr. Medley,” collectively with Tesla Energy Operations, “Defendants”), by counsel, respectfully files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, to remove to the United States District Court for the Eastern District of Virginia an action initiated against them in the Circuit Court for Fairfax County, Virginia. Removal of this action is based on the following:

1. On April 19, 2023, Plaintiff William R. Widmaier filed a civil action against Defendants in the Circuit Court for Fairfax County, Virginia, case number 2023-6068 (hereinafter “State Court Action”). In accordance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings and orders received by counsel for the Defendants in the State Court Action is attached to this Notice of Removal as **Exhibit A** and incorporated herein by reference.

2. The Complaint in the State Court Action asserts negligence claims against Defendants arising from a motor vehicle accident allegedly occurring on January 4, 2022. (Ex. A, Compl.)

3. Defendant Tesla Energy Operations was served with process on April 21, 2023. Thus, this Notice of Removal is timely filed because it is filed not more than thirty (30) days after Defendant received a copy of the Summons and Complaint, through service or otherwise. 28 U.S.C. § 1446(b).

4. The Eastern District of Virginia, Alexandria Division, is the federal district embracing Fairfax County, Virginia, where the State Court Action was originally filed. 28 U.S.C. § 127(a). Thus, Defendants' Notice of Removal is properly filed in this District and Division. 28 U.S.C. § 1441(a).

BASIS FOR REMOVAL – DIVERSITY JURISDICTION

5. The State Court Action is removable under 28 U.S.C. § 1332(a). The Court has subject matter jurisdiction over the State Court Action because it is between citizens of different states and the amount in controversy exceeds \$75,000.00 and arises under the laws of the United States. 28 U.S.C. §1332(a).

6. Tesla Energy Operations is a Delaware corporation with its principal place of business in Austin, Texas. Thus, it is a citizen of Delaware and Texas for the purposes of diversity jurisdiction.

7. Malek Medley is a resident of Beltsville, Maryland. Thus, Mr. Medley is a citizen of Maryland for the purposes of diversity jurisdiction.

8. On information and belief, Plaintiff is now, and was at the time of the filing of the Complaint, a citizen of Virginia.

9. Plaintiff's Complaint requests judgment against Defendants in the amount of five million dollars (\$5,000,000.00). (Ex. A, Compl. prayer for relief). Thus, the amount in controversy requirement specified in 28 U.S.C. § 1332(a) is satisfied.

10. If any question arises regarding the propriety of the removal of this action, Defendants respectfully request the opportunity to conduct jurisdictional discovery (if necessary), file a brief, and present oral argument to confirm that this Court has jurisdiction and that this case has been properly removed.

NOTICE

11. In accordance with 28 U.S.C. § 1446(d), prompt written notice of the filing of this Notice of Removal is being given to all other parties, and a true and correct copy of the Notice of Removal is being filed with the Circuit Court for Fairfax County, Virginia.

CONSENT

12. There are no codefendants requiring consent.

WHEREFORE, Defendants Tesla Energy Operations, Inc., and Malek Medley, by counsel, respectfully prays that the State Court Action be removed from the Circuit Court for Fairfax County, Virginia, to the United States District Court for the Eastern District of Virginia, in accordance with 28 U.S.C. § 1441, and for such further legal, equitable, or other relief that the Court deems just and proper.

This the 19th Day of May, 2023.

Respectfully submitted,

TESLA ENERGY OPERATIONS, INC. AND
MALEK MEDLEY

By: /s/ Joseph P. Moriarty

Kevin L. Keller (VSB No. 30731)
Joseph P. Moriarty (VSB No. 68465)
Bryn L. Clegg (VSB No. 96923)
WILLCOX SAVAGE, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, Virginia 23510-2243
Telephone: 757-628-5500

Facsimile: 757-628-5566

kkeller@wilsav.com

jmoriarty@wilsav.com

bclegg@wilsav.com

*Counsel for Defendants Tesla Energy Operations,
Inc. and Malek Medley*

CERTIFICATION

I hereby certify that on this 19th day of May, 2023, I electronically filed the forgoing with the Clerk of the court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Gary B. Mims (VSB No. 19184)
Benjamin C. Charlton (VSB No. 92154)
Frei, Mims and Perushek, LLP
3925 Chain Bridge Road, Suite 402
Fairfax, Virginia 22030
Telephone: (703) 925-0500
Gary.mims@freimims.com
Ben.charlton@freimims.com
Counsel for Plaintiff

By: /s/ Joseph P. Moriarty

Kevin L. Keller (VSB No. 30731)

Joseph P. Moriarty (VSB No. 68465)

Bryn L. Clegg (VSB No. 96923)

WILLCOX SAVAGE, P.C.

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Norfolk, Virginia 23510-2243

Telephone: 757-628-5500

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kkeller@wilsav.com

jmoriarty@wilsav.com

bclegg@wilsav.com

*Counsel for Defendants Tesla Energy Operations,
Inc. and Malek Medley.*